

CALIFORNIA WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

TENTATIVE ORDER NO. R9-2003-0001

GENERAL WASTE DISCHARGE REQUIREMENTS  
FOR POST-CLOSURE MAINTENANCE OF  
INACTIVE NONHAZARDOUS WASTE LANDFILLS  
WITHIN THE SAN DIEGO REGION

The California Regional Water Quality Control Board, San Diego Region (hereinafter RWQCB) finds that:

1. The persons identified in Attachment No. 1 to this Order (hereinafter the “discharger”) own, or discharged solid waste from municipal waste collection to, their respective “inactive” landfills located within the San Diego Region. Inadequate monitoring and maintenance at unlined municipal solid waste landfills may result in continuing discharges of waste that may cause conditions of pollution and nuisance in surface or ground water.
2. Pursuant to California Code of Regulations (CCR), Title 27 [27 CCR §20080(g)], landfills which are closed, abandoned, or inactive on the effective date of these regulations (November 1984) are not required to be closed in accordance with current requirements. However, these landfills are subject to requirements for post-closure maintenance [27 CCR, §21090(b) and (c)].
3. Pursuant to 27 CCR §20080(g), persons responsible for discharges at landfills that are closed, abandoned, or inactive may be required to develop and implement a monitoring program (pursuant to 27 CCR §20380 *et seq.*). If water quality impairment is found, such persons may be required to develop and implement a corrective action program based on the provisions of Title 27.
4. Interim landfill covers must be designed and constructed to minimize percolation of precipitation through wastes [27CCR §20705]. A periodic assessment of the thickness of materials comprising the intermediate landfill cover systems is necessary to maintain the integrity of the waste containment system at inactive landfills.
5. In accordance with the California Water Code [§13263(d)] the RWQCB may prescribe waste discharge requirements although no Report of Waste Discharge has been filed.
6. The results from the statewide Solid Waste Assessment Test (SWAT) Program indicate that approximately 72% of the 544 landfills tested (including those that were inactive prior to November 1984) and containing significant quantities of decomposable waste have leaked hazardous waste constituents to ground water. Available SWAT Reports for facilities located in the San Diego Region are generally consistent with findings of the statewide SWAT Program. The RWQCB finds it is reasonable to conclude that other

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closed, abandoned, or inactive (CAI) landfills that do not have SWAT results are also likely to be consistent with the results from the statewide SWAT Program.

7. Because of this potential impact to the quality of waters of the State, leaking inactive landfills are defined in CCR Title 23 (23 CCR, §2200) as a category 'I' threat to water quality. A facility's "complexity" ranking is based upon the type of facility. For inactive landfills, the complexity ranking is category "B".
8. Surface drainage from the landfill is subject to State Board Order No. 97-03 DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, "Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities."
9. A variety of approaches may be effective as Best Management Practices (BMPs) for long term control of surface water runoff and erosion of cover materials. Effective BMPs for control of surface water runoff and erosion should also be used in areas undergoing landfill containment system construction or maintenance.
10. The discharger is required to perform regular maintenance of the landfill cover system throughout the post-closure maintenance period. In complying with that requirement, the discharger may find it necessary to create temporary stockpiles of soil prior to conducting grading operations to perform regular site maintenance. It is appropriate for the RWQCB to prescribe waste discharge requirements for the management of temporary stockpiles at inactive landfills.
11. The issuance of this Order establishing general waste discharge requirements is consistent with the goal to provide protection, enhancement and restoration of water resources, while balancing economic and environmental impacts as stated in the Strategic Plan of the State Water Resources Control Board and the RWQCBs.
12. The adoption of general waste discharge requirements for post-closure maintenance at inactive landfills would assist in:
  - a. Protecting the ground waters and surface waters of the state from pollution or contamination.
  - b. Simplifying and expediting the application process for the discharger.
  - c. Reducing RWQCB time expended on preparing and considering individual waste discharge requirements for each project.
13. Most discharges of solid waste into municipal solid waste (MSW) landfills, that become inactive or abandoned prior to 1984, may be characterized by the following:
  - a. Those past discharges were generally produced by similar waste management operations conducted within the San Diego Region.

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- b. Those past discharges involved similar waste streams collected within the San Diego Region.
  - c. Those past discharges were subject to similar treatment standards within the San Diego Region.
  - d. Most pre-1984 MSW landfills have similar types of monitoring and maintenance requirements for the protection of water quality and the prevention of nuisance conditions. Together with Finding No. 11 (above), these considerations indicates that the RWQCB could more effectively and efficiently regulate these facilities by issuing general waste discharge requirements.
14. Pre-1984 MSW landfills are existing reservoirs of solid wastes, waste constituents, and degradation products derived from those wastes. A release of wastes, waste constituents or degradation products derived therefrom may create a condition of pollution or nuisance as defined under Water Section 13050. In order to minimize that threat, it is necessary to implement regular activities associated with post-closure maintenance activities and monitoring. In the event of a release of wastes, waste constituents or degradation products from the waste management unit; implementation of corrective actions may also be necessary to protect the quality of the waters of the State. The financial responsibility for implementing post-closure maintenance, monitoring, and corrective actions are the responsibility of the dischargers (owners) of pre-1984 MSW landfills.

**Water Quality Control Plan**

15. The **Water Quality Control Plan Report, San Diego Basin (9)** (hereinafter Basin Plan), was adopted by this RWQCB on September 8, 1994, and subsequently approved by the State Water Resources Control Board (State Board) on December 13, 1994. The Basin Plan designates beneficial uses and narrative and numerical water quality objectives, and discharge prohibitions applicable to the discharges regulated under this Order.
16. The Basin Plan designates the following beneficial uses for ground waters within the San Diego Region:
- a. Municipal and domestic water supply (MUN)
  - b. Agricultural water supply (AGR)
  - c. Industrial service supply (IND)
  - d. Industrial process supply (PROC)
17. The Basin Plan designates some or all of the following beneficial uses of surface waters located within the San Diego Region:
- a. Municipal and domestic supply (MUN)
  - b. Agricultural supply (AGR)

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| c. | Industrial service supply                                | (IND)   |
| d. | Industrial process                                       | (PROC)  |
| e. | Groundwater recharge                                     | (GWR)   |
| f. | Freshwater replenishment                                 | (FRSH)  |
| g. | Navigation   | (NAV)   |
| h. | Hydropower generation                                    | (POW)   |
| i. | Water contact recreation                                 | (REC1)  |
| j. | Noncontact recreation                                    | (REC2)  |
| k. | Commercial and sport fishing                             | (COMM)  |
| l. | Warm freshwater habitat                                  | (WARM)  |
| m. | Cold freshwater habitat                                  | (COLD)  |
| n. | Preservation of areas of special biological significance | (BIOL)  |
| o. | Inland saline water habitat                              | (SAL)   |
| p. | Wildlife habitat   | (WILD)  |
| q. | Preservation of rare and endangered species              | (RARE)  |
| r. | Marine habitat   | (MAR)   |
| s. | Migration of aquatic organisms                           | (MIGR)  |
| t. | Spawning, reproduction, and/or early development         | (SPWN)  |
| u. | Shellfish harvesting                                     | (SHELL) |
| v. | Estuarine habitat  | (EST)   |
| w. | Aquacultural   | (AQUA)  |
18. Inactive nonhazardous waste landfills are located in areas that overlie ground water basins designated as suitable for uses including municipal and domestic public water supplies. Applicable numeric and narrative water quality objectives for groundwater are promulgated in Chapter 3 of the Water Quality Control Plan for the San Diego Region.
19. Inactive nonhazardous waste landfills are located in proximity to surface waters that support beneficial uses including REC1 and REC2, COLD, WARM, WILD, and RARE. Applicable numeric and narrative water quality objectives for surface water are promulgated in Chapter 3 of the Water Quality Control Plan for the San Diego Region.
20. Additional State water quality criteria for beneficial uses of water resources as a public drinking water supply are promulgated in California Code of Regulations (CCR), Title 22, Division 4, Chapter 15, Article 4, §64431 (Primary MCLs for inorganic chemicals), §64444 (Primary MCLs for organic chemicals), §64449 (Secondary MCLs), and Chapter 17.5, Article 1, §64672.3 (copper and lead action levels).
21. Additional State and Federal water quality criteria for protection of beneficial uses of surface water resources are promulgated by the U.S. Environmental Protection Agency as the California Toxics Rule (CTR) as implemented by State Water Resources Control Board Resolution Nos. 2000-015 and 2000-030.

### **CEQA and Other Legal References**

22. Inactive landfills are existing facilities and, as such, regulatory actions related to inactive landfills are exempt from the provisions of the California Environmental Quality Act in accordance with the California Code of Regulations, Title 14, Chapter 3, Article 19, §15301.
23. The Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to the following:
  - (a) Beneficial uses to be protected and the water quality objectives reasonably required for that purpose;
  - (b) Other waste discharger;
  - (c) The need to prevent nuisance;
  - (d) Past, present, and probable future beneficial uses of the hydrologic unit under consideration;
  - (e) Environmental characteristics of the hydrologic unit under consideration;
  - (f) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
  - (g) Economic considerations; and
  - (h) The need for developing housing within the region.
24. The RWQCB has considered all water resource related environmental factors associated with the discharge of waste associated with inactive landfills.
25. The RWQCB has notified interested agencies and all known interested parties of its intent to issue post-closure maintenance requirements for these inactive landfills.
26. The RWQCB, in a public meeting, heard and considered all comments pertaining to post-closure maintenance of these inactive landfills.

**IT IS HEREBY ORDERED,** That each person identified in Attachment No. 1 of this Order (hereinafter the discharger), in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the following:

#### **A. VOLUNTARY ENROLLMENT PROCEDURE**

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1. In order to add an inactive landfill to Attachment 1 of this Order, the discharger shall submit a complete Report of Waste Discharge (RWD) and an appropriate filing fee for each inactive landfill. The RWD shall include the following:
  - a. Form 200, Application for Facility Permit/Waste Discharge, filled out in accordance with the instructions.
  - b. A discussion of the landfill and waste characteristics including:
    - i. Identification of the period during which waste was disposed of at the site;
    - ii. Description of landfill disposal methods, operation and maintenance activities;
    - iii. Description of types and quantities of waste disposed of;
    - iv. Identification of the total volume of waste disposed of at the site;
    - v. Any closure or post-closure activities conducted at the landfill subsequent to ceasing operation; and
    - vi. Present and future land use of the inactive landfill.
  - c. Documentation of how the discharger will comply with all applicable requirements of this Order.
2. A topographical scale map showing the location, users and uses of all wells located within one mile of the inactive landfill.
3. A Notice of Intent (NOI) and application fee for coverage under State Board Order No. 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, "Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities."
4. Surface Water Pollution Prevention Plan (SWPPP) or an updated version thereof, as required by Order 97-03-DWQ.
5. Any other information pertinent to the protection of water quality or public health and prevention of nuisance.
6. Inactive landfills may be enrolled through the procedure identified in **Section A** of this Order or by the RWQCB under the statutory authority cited in **Finding 5**. In either case, the discharger shall receive written notification from the RWQCB stating whether it is appropriate to regulate the inactive landfill under these

general waste discharge requirements (WDRs), or that individual WDRs are required.

7. Notwithstanding the conditions specified above, individual cases may be brought to the RWQCB for consideration of waste discharge requirements when deemed appropriate by the RWQCB.

## **B. PROHIBITIONS**

1. Discharges of wastes to land that have not been specifically described to the RWQCB and for which valid Waste Discharge Requirements are not in force are prohibited.
2. The discharge of waste shall not:
  - a. Cause the occurrence of coliform or pathogenic organisms in waters pumped from the basin;
  - b. Cause the occurrence of objectionable tastes and odors in waters pumped from the basin;
  - c. Cause waters pumped from the basin to foam;
  - d. Cause the presence of toxic materials in waters pumped from the basin;
  - e. Cause the pH of waters pumped from the basin to fall below 6.0 or rise above 9.0;
  - f. Cause this RWQCB's objectives for the ground or surface waters as established in the Basin Plan, to be exceeded; and
  - g. Cause pollution, contamination or nuisance or adversely affect beneficial uses of the ground or surface waters as established in the Basin Plan.
3. Odors, vectors, and other nuisances of waste origin beyond the limits of the landfill property boundary are prohibited.
4. The discharge of waste to surface drainage courses or to useable ground water is prohibited.
5. Basin Plan prohibitions shall not be violated.
6. The use of pressurized water lines overlying waste is prohibited unless the water lines are designed in accordance with Maintenance Specification C.18.

**C. POST-CLOSURE MAINTENANCE SPECIFICATIONS**

**General Maintenance Requirements**

1. **Within six months** of adoption of this Order, or enrollment therein, the discharger shall submit to the RWQCB a current or updated cover maintenance plan. The cover maintenance plan shall include a description of how the discharger plans to comply with the general maintenance requirements specified in 27 CCR §21090(c)(1), §21090(c)(3), §21090(c)(4), and §21090(c)(5). The cover maintenance plan must also include, but is not limited to, the following:
  - a. The persons, companies, or agencies responsible for each aspect of landfill maintenance, along with their addresses and phone numbers.
  - b. Location maps indicating property boundaries and the existing limits of waste, internal roads, and structures inside the property boundary.
  - c. A location map of the current monitoring and control systems including drainage and erosion control systems and landfill gas monitoring and control systems.
  - d. A description of the methods, procedures, schedules and processes that will be used to maintain, monitor and inspect the landfill.
  - e. An irrigation management plan including inspection and maintenance schedules to ensure that irrigation does not cause or contribute to the percolation of water through wastes.
  - f. A description of all stabilization and sediment control measures employed (*i.e.*, BMPs) to help control erosion and storm water run off.
  - g. A location map of all sediment control devices along the perimeter of the landfill, and at all operational internal inlets to the storm drain system.
  - h. A description of all filtration devices, barriers, or settling devices (*i.e.*, sand traps or basins) installed for sediment control.
2. The landfill post-closure maintenance period shall continue until the RWQCB determines that remaining wastes in all waste management units (WMUs) will not threaten water quality [27 CCR §20950(a)(1)].
3. The discharger shall comply with all applicable requirements of 27 CCR Chapter 3, Subchapter 5, Article 2.



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4. The WMU (landfill) shall be adequately protected from any washout, erosion of wastes or cover material. The surface drainage system shall be designed to adequately handle the rainfall from a 100-year 24-hour storm event.
5. The structural integrity and effectiveness of all containment structures and the existing cover shall be maintained as necessary to correct the effects of settlement or other adverse factors.
6. Vegetation used at the site shall be selected to require minimum irrigation and maintenance, and shall not impair the integrity of containment structures including the existing cover.
7. The migration of landfill gas from the site shall be controlled as necessary to ensure that landfill gases and gas condensate are not discharged to surface waters or ground waters. Condensate shall be collected and removed from the site except as defined in 27 CCR §20090(e).

### **Erosion Control**

8. Annually, prior to the anticipated rainy season but not later than **October 31**, the discharger shall implement any necessary erosion control measures, and shall complete any necessary construction, maintenance, or repairs of precipitation and drainage control facilities to prevent erosion, ponding, flooding, or to prevent surface drainage from contacting or percolating through wastes at the facility. This specification shall not preclude the discharger from performing maintenance, and repairs necessitated by changing site conditions can be made at any time.
9. The discharger shall develop and implement structural and non-structural Best Management Practices (BMPs) to prevent erosion of cover materials and in areas undergoing landfill containment system construction and/or maintenance.
10. Effective BMPs are best implemented on a site-specific basis and may include, but are not limited to the use of: bonded fiber matrix, anchored fiber rolls, fiber blankets, hydroseeding/vegetating, and other equivalent measures as appropriate.
11. All areas, including surface drainage courses shall be maintained, to minimize erosion. The landfill cover shall be maintained to minimize percolation of liquids through wastes.

### **Surface Drainage**

12. Surface water runoff within the boundary of the landfill (*i.e.*, precipitation that falls on the landfill cover) shall be collected by a system of berms, ditches, downchutes, swales and drainage channels, and shall be diverted off the landfill unit without coming in contact with any waste.

13. Surface drainage from tributary areas and internal site drainage from surface and subsurface sources shall not contact or percolate through waste and shall either be contained onsite or be discharged in accordance with applicable storm water regulations.
14. The discharger shall comply with all applicable requirements of Order 97-03-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000001, "Waste Discharge Requirements for Discharges of Storm Water Associated with Industrial Activities Excluding Construction Activities."
15. Where surface flows result in erosive flow velocities, erosion control material shall be used for protection of drainage conveyance features. Effective erosion control BMPs shall be implemented on interim bench ditches to control erosion when necessary.
16. Where high surface water flow velocities occur at terminal ends of downchutes or where downchutes cross the landfill cover access roads, effective erosion control BMPs shall be implemented.
17. Energy dissipaters shall be installed to control erosion at locations where erosive flow velocities are anticipated.

### **Irrigation Systems Control**

18. For inactive landfills with water supply or irrigation lines overlying waste, the discharger shall consider, but not be limited to the following:
  - a. Flexible connectors;
  - b. Secondary containment of water supply and irrigation system components;
  - c. Moisture sensors within secondary containment;
  - d. Rain sensors to minimize water application to cover;
  - e. Annual leak testing;
  - f. Automatic shutoff valves.

### **Assessment of Interim Cover Requirements**

19. Periodically, a technical assessment shall be performed to determine the effectiveness of the landfill interim cover. The technical assessment of the interim landfill cover system (including the top deck, intermediate benches, and sideslopes) shall be performed every five years. Prior to performing the first technical assessment, the thickness of the landfill cover system on the top deck, intermediate benches, and sideslopes shall be determined to establish baseline data for the subsequent periodic technical assessments. The results of the baseline

assessment study, and the subsequent periodic technical assessments, shall be submitted as required in Monitoring and Reporting Program No. R9-2003-0001.

#### **D. MANAGEMENT OF TEMPORARY SOIL STOCKPILES**

The discharger shall designate an area of the site that may be used to manage temporary soil stockpiles for maintenance of the landfill cover system. The designated area shall be clearly identified/labeled on a plot plan included with each semi-annual monitoring report. Temporary stockpiles of soils to be used for maintenance of the landfill cover system shall comply with the following minimum requirements:

1. **Site Conditions:** The location of the temporary stockpile shall meet the following minimum general site conditions:
  - a. Run-on/Runoff Protection: Surface drainage shall be diverted from the temporary soil stockpiles. The discharger shall implement effective BMPs to prevent surface water run-on, and the erosion and transport of soils by surface water runoff. The discharger shall amend the SWPPP to include effective BMPs for control of soil erosion and discharge of soils from temporary stockpiles of soils under this Order.
  - b. Surface Water Protection: All soil stockpiles established under this WDR shall be located more than 100 feet from any surface water identified in the Basin Plan.
  - c. Flood Plain Protection: All stockpiles shall be protected against 100-year peak stream flows as defined by the local County flood control agency.
2. **Inspection and Maintenance:** The discharger shall regularly inspect and maintain temporary soil stockpiles established under this Order. Inspections shall be conducted at a frequency that will ensure the discharge of soils does not create conditions of pollution or nuisance. The discharger shall report on the condition and location(s) of all onsite temporary soil stockpiles in the semi-annual monitoring reports submitted in compliance with Monitoring and Reporting Program No. R9-2003-0001.
3. **Timely Reuse of Stockpiled Soils:** The discharger shall use stockpiled soils to perform regular maintenance work and reuse soils discharged into temporary stockpiles in a timely manner. A schedule for the timely reuse of stockpiled soils shall be included in the workplan required by **REPORTING REQUIREMENT F.1.(b)**.
4. **Public Notification Requirement:** The discharger shall post at least one clearly visible sign (in English) at the entrance to the facility, listing the following minimum information: a). site name; b). name and address of discharger; and c). 24-hour contact information – name, address, facsimile, and telephone number for

the project. The discharger shall post additional signs as necessary (in languages other than English) to more effectively communicate the minimum contact information (listed above), to the local community. The sign(s) shall be maintained as required to keep them legible and remain in place during the closure and post-closure maintenance period.

5. **Source(s) of Stockpile Soils:** The discharger shall provide the RWQCB information regarding the source(s) of all stockpiled soils. This information shall include the name and address of the supplier, address of the source location, and the volume of soil provided from that source. The required information shall be included in an appendix to the semi-annual monitoring reports submitted in compliance with Monitoring and Reporting Program No. R9-2003-0001. Soils stockpiled and used for purposes of maintaining the landfill cover system may not contain “wastes” (including leachate), [per 27 CCR, §21090(a)(3)] or “waste constituents” [as defined in 27 CCR §20164].
6. **Cover:** All temporary soil stockpiles shall be overlain by plastic sheeting (not less than 10 mils thick) or be protected by adequately maintained BMPs such as (but not limited to) tackified straw, bonded fiber matrix, wattles, and/or silt fence to adequately control erosion by storm water, control fugitive dust, and other nuisances.

## **E. PROVISIONS**

### **1. GENERAL PROVISION**

Neither the treatment, nor the discharge of waste shall create a condition of pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code.

### **2. DUTY TO COMPLY**

The discharger shall comply with all applicable provisions of 27 CCR and all conditions of this Order. Any noncompliance with this Order constitutes a violation of the California Water Code and is grounds for: (a) enforcement action; (b) termination, revocation and reissuance, or modification of this Order; or (c) denial of a Report of Waste Discharge in application for new or revised Waste Discharge Requirements.

### **3. COMPLIANCE**

In an enforcement action, it shall not be a defense for the discharger to say it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this Order.

4. CORRECTIVE ACTION

The discharger shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this Order, including such accelerated or additional monitoring as may be necessary to determine the nature and impact of the noncompliance.

5. FINANCIAL ASSURANCES FOR POST-CLOSURE AND CORRECTIVE ACTION

Within one year of the adoption of this Order, the discharger shall establish and maintain adequate and acceptable assurances of financial responsibility throughout the post-closure monitoring and maintenance period. In establishing and maintaining assurances of financial responsibility, the discharger shall use financial means and/or instruments that are acceptable to the RWQCB. The purpose of the required assurances of financial responsibility are as follows:

- a. to ensure that funds are available to conduct post-closure maintenance at each inactive waste management unit in accordance with this Order, and
- b. to ensure that funds are available to address known or reasonably foreseeable releases from the waste management unit.

When the discharger notifies the RWQCB of a transfer of ownership (per **PROVISION E.8** and **REPORTING REQUIREMENT F.3**), the notification shall include a proposed schedule for the succeeding owner to provide evidence of acceptable financial assurance responsibility to the RWQCB.

6. PROPER OPERATION AND MAINTENANCE

The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effective performance, adequate laboratory and process controls including appropriate quality assurance procedures.

7. REVISION OF WASTE DISCHARGE REQUIREMENTS

This order may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Order;
- b. Obtaining this Order by misrepresentation or failure to disclose fully all relevant facts; or

- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.

The filing of a request by the discharger for the modification, revocation and reissuance, or termination of this Order, or notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

8. CHANGE IN OWNERSHIP

This Order is not transferable to any person except after notice to the RWQCB. The RWQCB may require modification or revocation and reissuance of this Order to, change the name of the discharger and incorporate such other requirements as may be necessary under the California Water Code. The discharger shall submit notice of any proposed transfer of this Orders responsibility and coverage under **REPORTING REQUIREMENT F.3.**

9. PROPERTY RIGHTS

This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, nor protect the discharger from liability under federal, state, or local laws, nor create a vested right for the owner and operator to continue the regulated activity.

10. ENTRY AND INSPECTION

The discharger shall allow the RWQCB, or an authorized representative upon the presentation of credentials and other documents as may be required by law to:

- a. Enter upon the discharger premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order;
- d. Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order or as otherwise authorized by the California Water Code, any substances or parameters at any location; and

- e. To photograph or videotape any structures, facilities, activities, or other conditions that could result in adverse impacts to water quality and that are pertinent to compliance with this Order.

11. REPOSITORY FOR WASTE DISCHARGE REQUIREMENTS

A copy of this Order shall be maintained at the local offices of the discharger and shall be available to operating personnel at all times.

12. SEVERABILITY

The provisions of this Order are severable, and if any provision of this Order, or the application of any provision of this Order to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Order, shall not be affected thereby.

13. EFFECTIVE DATE

This Order becomes effective of the date of adoption by the RWQCB. This Order supersedes any existing waste discharge requirements, including Order No. 97-11 and addenda thereto, for facilities listed on Attachment 1.

**F. REPORTING REQUIREMENTS**

1. CHANGE IN DISCHARGE

The discharger shall file the following reports in accordance with the following schedules:

a. Report of Waste Discharge

The discharger shall file a new Report of Waste Discharge **at least 120 days** prior to the following:

- 1) Significant change in post-closure maintenance activities that would significantly alter existing drainage patterns and slope configurations, or pose a potential threat to the integrity of the site;
- 2) Change in land use other than as described in the findings of this Order;
- 3) Significant change in disposal area, e.g., excavation and relocation of waste on site; or

- 4) Any planned change in the regulated facility or activity which results in noncompliance with this Order.

b. **Workplan**

The discharger shall submit a workplan **at least 30 days** prior to any maintenance activities that could alter existing surface drainage patterns or change existing slope configurations. These activities may include, but not be limited to, significant grading activities, the importation of fill material, the design and installation of soil borings, ground water monitoring wells and other devices for site investigation purposes.

c. **Written Notification**

The discharger shall provide written notification **at least 2 working days** prior to any maintenance activities that are minor and/or routine in nature, do not add a significant amount of water, do not inhibit drainage, have limited potential for impacts to beneficial uses of water, and will not interfere with future routine maintenance. These activities may include, but not be limited to:

- 1) Routine maintenance grading and dust control;
- 2) Landscaping with minimal/no water application;
- 3) Gas surveys with temporary probes; or
- 4) Replacement/removal of gas collection wells.

2. **GENERAL REPORTING REQUIREMENT**

The discharger shall furnish to the RWQCB, within a reasonable time, any information which the RWQCB may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish, upon request by the RWQCB Executive Officer, copies of records required to be kept by this Order.

3. **CHANGE IN OWNERSHIP**

The discharger shall notify the RWQCB, in writing, at least **30 days** in advance of any proposed transfer of this Order's responsibility and coverage between the current owner and new owner for construction, operation, closure, or post-closure maintenance of a landfill. This agreement shall include an acknowledgement that the existing owner is liable for violations up to the transfer date and that the new owner is liable from the transfer date on. The agreement shall include an



acknowledgement that the new owners shall accept responsibility for compliance with this Order that includes the post-closure maintenance of the landfill.

4. INCOMPLETE REPORTS

Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the RWQCB, it shall promptly submit such facts or information.

5. ENDANGERMENT OF HEALTH AND ENVIRONMENT

The discharger shall report any noncompliance, which may endanger human health or the environment. Any such information shall be provided orally to the RWQCB **within 24 hours** from the time the owner becomes aware of the circumstances. A written submission shall also be provided **within five days** of the time the owner becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, or prevent recurrence of the noncompliance. The RWQCB, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24-hours.

6. SLOPE FAILURE

The RWQCB shall be notified immediately upon a determination by the discharger that a slope failure is occurring, or has occurred, at a waste management unit. The discharger shall promptly repair any slope failure that threatens the integrity of the containment systems. A written summary of actions that were implemented to correct any slope failures shall be prepared and submitted with the next monitoring report.

7. SEEPAGE

The discharger shall immediately report by telephone concerning the discovery of any previously unreported seepage from the disposal area. A written report shall be filed with the Regional Board within **seven days**, containing at least the following information:

- a) A map showing the location(s) of the seepage;
- b) An estimate of the flow rate;
- c) A description of the nature of the discharge (*e.g.*, all pertinent observations and analyses); and

- d) Corrective measures approved (or proposed for consideration) by the Regional Board.

8. LANDFILL GAS

The discharger shall operate and maintain a landfill gas migration control and detection system as required by the Air Pollution Control District (APCD) and the Local Enforcement Agency (LEA).

9. MONITORING AND REPORTING PROGRAM

The discharger shall comply with the attached **Monitoring and Reporting Program No. R9-2003-0001**.

10. REPORT DECLARATION

All applications, reports, or information submitted to the RWQCB shall be signed and certified as follows:

- a. The Report of Waste Discharge shall be signed as follows:
  - 1. **For a corporation** – by a principal executive officer of at least the level of vice president.
  - 2. **For a partnership or sole proprietorship** – by a general partner or the proprietor, respectively.
  - 3. **For a municipality, state, federal, or other public agency** – by either a principal executive officer or ranking elected official.
  - 4. **For a military installation** – by the base commander or the person with overall responsibility for environmental matters in that branch of the military.
- b. All other reports required by this Order and other information required by the RWQCB shall be signed by a person designated in paragraph (a) of this provision, or by a duly authorized representative of that person. An individual is a duly authorized representative only if:
  - 1. The authorization is made in writing by a person described in paragraph (a) of this provision;
  - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity; and

3. The written authorization is submitted to the RWQCB.

c. Any person signing a document under this Section shall make the following certification:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.”

11. RWQCB ADDRESS

The discharger shall submit all reports required under this Order and other information requested by the RWQCB to:

Executive Officer  
California Regional Water Quality Control Board  
San Diego Region  
9174 Sky Park Court, Suite 100  
San Diego, CA 92123-4340  
Attn: Land Discharge Unit Supervisor

**G. NOTIFICATIONS**

1. CIVIL MONETARY REMEDIES

The California Water Code (§13350) provides that any person who intentionally or negligently violates any Waste Discharge Requirements issued, reissued, or amended by this RWQCB is subject to administrative civil liability of up to 10 dollars per gallon of waste discharged, or if no discharge occurs, up to 1,000 dollars per day of the violation. The Superior Court may impose civil liability of up to 10,000 dollars per day of the violation, or if a cleanup and abatement order has been issued, up to 15,000 dollars per day of the violation.

2. PENALTIES FOR INVESTIGATION, MONITORING OR INSPECTION VIOLATIONS

The California Water Code (§13268) provides that any person failing or refusing to furnish technical or monitoring program reports, as required by the RWQCB, or falsifying any information provided in the monitoring reports is guilty of a misdemeanor.

Inactive Landfills within the  
San Diego Region

Under those conditions, the RWQCB may administratively impose a civil liability of up to 1,000 dollars per day of the violation.

3. OTHER CLOSURE REGULATIONS

Post-closure monitoring and maintenance of inactive waste management units may be subject to regulations of the California Integrated Management Board and the San Diego County Air Pollution Control District.

4. 27 CCR DEFINITIONS

Definitions of terms used in this Order shall be as set forth in the California Code of Regulations, Title 27, §20164.

I, John H. Robertus, RWQCB Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Diego Region, on March 12, 2003.

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**TENTATIVE**

JOHN H. ROBERTUS

Executive Officer